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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 ROGER CANTU, et al.,

12 Plaintiffs,

13 v.

14 KINGS COUNTY, et al.,

15 Defendants.
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Case No. 1:20-cv-00538-NONE-SAB

ORDER RE STIPULATION OF ALL
PARTIES FOR LEAVE TO FILE A FIRST
AMENDED COMPLAINT

(ECF No. 23)

17 On May 22, 2020, Kings County, David Robinson, Kings County Sheriff, Kings
18 County Sheriff Department (hereafter “County Defendants”) filed a motion to dismiss.
19 (ECF No. 6.) On June 10, 2020, Defendant NaphCare filed a motion to dismiss. (ECF
20 No. 10.) On March 8, 2021, a findings and recommendations issued recommending
21 granting in part and denying in part the County Defendants’ motion to dismiss and
22 granting Defendant NaphCare’s motion to dismiss. (ECF No. 19.) On March 25, 2021, a
23 first amended complaint was filed and it was stricken from the record as improperly filed.
24 (ECF Nos. 20, 21.) On May 3, 2021, a stipulation was filed granting Plaintiff leave to
25 file a first amended complaint. (ECF No. 23.)

26 Based on the filing of the first amended complaint, the County Defendants and
27 NaphCare’s motions to dismiss and the pending findings and recommendations are moot.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Clerk of the Court is directed to administratively terminate County
3 Defendants' motion to dismiss (ECF No. 6) and Defendant NaphCare's
4 motion to dismiss (ECF No. 10) as moot;
- 5 2. The March 8, 2021 findings and recommendations is VACATED;
- 6 3. Plaintiffs shall file a first amended complaint within **three (3) days** from
7 the date of entry of this order; and
- 8 4. Defendants shall file a responsive pleading within **thirty (30) days** after
9 date of filing of the first amended complaint.

10 IT IS SO ORDERED.

11 Dated: May 3, 2021

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14 UNITED STATES MAGISTRATE JUDGE
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